

Notice of Allowability

Application No.

10/724,749

Examiner

Sanza L. McClendon

Applicant(s)

HAYASHI, AKIKO

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/2005.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on July 18, 2005, the examiner has carefully considered the amendments. The examiner acknowledges the English language translation of priority document JP 2002* 353945 filed July 18, 2005.

Response to Arguments

2. Applicant's arguments, see Amendment/Remarks, filed July 18, 2005, with respect to claims 1-2 have been fully considered and are persuasive. The rejection of claim 1 under 35 USC 102(b) as being anticipated by Hayashi et al (US 2001/0029867 and EP 11142965) has been withdrawn. The rejection of claim 1 under 35 USC 102(b) as being anticipated by JP 3-058955 has been withdrawn. The rejection of claims 1-2 under 35 USC 102(e) as being anticipated by Kondo et al (2003/0149130) has been withdrawn. The rejection of claims 1-2 under 35 USC 103(a) as being unpatentable over Hayashi et al (US 2001/0029867 and EP 11142965) has been withdrawn. The verified English language translation of JP 2002-353945, which is the priority document for the instantly filed invention, has overcome the rejection of claims 1-2 as being anticipated by Kondo et al, which has a filing date of 12/17/2002. Hayashi et al does not expressly teach using hexa-functional monomers in amounts from 10 to 30% of a monomer mixture in combination with those as found in instant claim 1. Hayashi et al teaches hexa-functional monomers in combination with mono-functional monomers per the examples and additionally teaches other polyfunctional monomers, such as di- and tri-functional monomers. While these are disclosed as usable together, one of ordinary skill in the art would not have found it obvious to choose the selection as outlined in the instant claims without prior motivation, such as provided by this application. The examiner deems that the words "photopolymerizable resin" in claim 1 refers to a composition of monomers as can be seen in the definition of claim 1 and throughout the specification. Examiner deems that this word is confusing since one of ordinary skill in the art would assume that there would be an oligomer, prepolymer, polymer, etc present with said monomer mixture. Therefore the examiner proposed an examiner's amendment to change the word "resin" to "composition" which would clarify that said composition comprises no resin but only monomers.

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EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Angela Collison on September 30, 2005.

The application has been amended as follows:

In claim 1, line 3, please **delete** the word "resin" and **replace** with the word "composition".

Allowable Subject Matter

4. Claims 1-2 are allowed.

5. The following is an examiner's statement of reasons for allowance: please refer to the above comments and applicant's remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/30/05

Sandra L. McClendon

Examiner

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